

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANNY JOE BARBER, III,

Plaintiff,

v.

KITSAP COUNTY SUPERIOR COURT et
al,

Defendants.

CASE NO. 3:24-cv-05804-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge S. Kate Vaughan. Dkt. No. 4. Judge Vaughan recommends that this case be dismissed without prejudice for failure to satisfy the filing fee requirement. *Id.* at 2. The Court agrees and adopts the R&R.

On September 6, 2024, pro se Plaintiff Danny Joe Barber, III, filed a proposed civil rights complaint under 42 U.S.C. § 1983, which alleged violations of his constitutional rights during his ongoing criminal proceedings in Kitsap County Superior Court. *See* Dkt. No. 1. However, Mr. Barber has neither paid the requisite filing fee nor submitted an application to proceed with this

1 action in forma pauperis (“IFP”). On September 25, 2024, the Clerk sent Mr. Barber a letter
2 advising him that his submission was deficient because he failed to meet the filing fee requirement
3 and explaining that he would have to either pay the filing fee or submit an IFP application by
4 October 25, 2024; if he failed to do so, he risked dismissal of this action. Dkt. No. 3.

5 To date, Mr. Barber has neither paid the filing fee nor submitted an application to proceed
6 IFP. On January 14, 2025, Judge Vaughan issued an R&R finding that Mr. Barber has had ample
7 time to correct the deficiency, and recommending that the action be dismissed without prejudice
8 for failure to satisfy the filing fee requirement. Dkt. No. 4.

9 The Court generally reviews findings and recommendations “if objection is made, but not
10 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Mr.
11 Barber did not file any objections to the R&R. For the reasons stated above, the Court agrees with
12 Judge Vaughan that Mr. Barber’s failure to comply with Local Civil Rule 3 regarding payment of
13 court fees merits dismissal of this action without prejudice.

14 Accordingly, the Court ORDERS the following:

15 (1) The Court ADOPTS the R&R. Dkt. No. 4.

16 (2) This case is DISMISSED without prejudice.

17 (3) The Clerk is directed to send copies of this Order to Mr. Barber at his last known address
18 and to Judge Vaughan.

19 (4) The Clerk is directed to CLOSE this case.

20 Dated this 10th day of February, 2025.

21 

22 Lauren King
23 United States District Judge
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